



U.S. Department of Justice

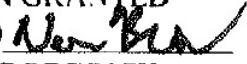
United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza

February 11, 2020

**BY ELECTRONIC MAIL AND ECF**

The Honorable Vernon S. Broderick  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED   
VERNON S. BRODERICK  
U.S.D.J. 2/12/2020

Re: *United States v. Oneil Scott*,  
16 Cr. 029 (VSB); 19 Cv. 3322 (VSB)

Dear Judge Broderick:

The Government writes to request a brief adjournment of the Government's deadline to respond to defendant Oneil Scott's habeas petition, so that defense counsel may file a supplemental affidavit setting forth additional facts.

The defendant is serving a twenty-five year sentence, which was imposed in February 2019. On April 5, 2019, the defendant submitted the instant habeas petition. In May 2019, the Court ordered the defendant to execute and return an informed consent form, waiving the attorney-client privilege as to relevant communications, or to abandon his habeas petition. In June 2019, the defendant signed and returned the informed consent form, waiving the privilege.

The Court then ordered former defense counsel to submit an affidavit addressing the defendant's allegations of ineffective assistance of counsel. In November 2019, former defense counsel submitted an affidavit to the Government addressing the allegations. The Government's response to the defendant's habeas petition is due Wednesday, February 12, 2020.

In reviewing the affidavit, the Government has realized that it does not address an important fact: whether the defendant asked defense counsel to appeal his conviction at any point before the 14-day appeal period had run. The Government has spoken with former defense counsel, who has stated that she can submit a supplemental affidavit addressing this point within a week.

The Government therefore respectfully requests a two-week adjournment of its deadline to respond to the defendant's habeas petition, so that former defense counsel may submit a supplemental affidavit, and the Government may incorporate this affidavit into its response.

Under this proposal, the new deadline for the Government's opposition would be February 26, 2020.

Thank you for your consideration of this request.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/ Margaret Graham  
Christopher J. DiMase  
Margaret Graham  
Jessica Feinstein  
Assistant United States Attorney  
Southern District of New York  
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cc: Bobbi Sternheim and Grainne O'Neill, Esqs. (by electronic mail)  
Oneil Scott, Register # 66195-019 (by United States mail)